

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO

Monica Betts v. Copeland (formerly Emerson)

Betts · No. 3:25-cv-00122 · Decided November 26, 2025

SUMMARY

The United States District Court for the Southern District of Ohio directs the case to proceed after Plaintiff paid the required filing costs. The Court instructs Plaintiff, who is not proceeding in forma pauperis, to serve Defendant or obtain a waiver of service within the 90-day period under Federal Rule of Civil Procedure 4(m), and reminds her to keep the Court informed of address changes.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio
WRITING FOR THE COURT	Caroline H. Gentry
JURISDICTION	United States District Court for the Southern District of Ohio
DECIDED	November 26, 2025
DOCKET	3:25-cv-00122
DISPOSITION	other
PROCEDURAL POSTURE	After Plaintiff paid the filing costs required to proceed, the court ordered the Clerk to file her complaint separately and directed her to serve Defendant or obtain a waiver of service.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

service of process civil procedure

PRACTICE AREAS

civil procedure employment discrimination

QUESTIONS PRESENTED

- Whether the case should proceed after Plaintiff paid the required filing costs.
- Whether the United States Marshals Service was required to serve Defendant when Plaintiff was not proceeding in forma pauperis.

3. What responsibility and deadline applied to Plaintiff for serving Defendant or obtaining a waiver of service.

HOLDINGS

1. Because Plaintiff paid the filing costs required by the court, the case shall proceed and the Clerk shall file the complaint separately on the docket.
2. The court was not required to order the United States Marshals Service to serve Defendant because Plaintiff was not proceeding in forma pauperis; Plaintiff was responsible for accomplishing service or obtaining a waiver.
3. Plaintiff was required to serve Defendant or obtain a waiver within the 90-day period imposed by Federal Rule of Civil Procedure 4(m), which the court expected to expire on or before February 19, 2026.

KEY QUOTATIONS

“The Court is not required to order the United States Marshals Service to serve the defendant[] in this action because plaintiff is not proceeding in forma pauperis.”

“If a defendant is not served within 90 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time.”

FACTUAL BACKGROUND

Monica Betts paid the filing costs required by the court to proceed with her action against Copeland, formerly Emerson. The Clerk had issued a summons, and Plaintiff had submitted a United States Marshals Service form, apparently anticipating that a marshal would serve Defendant. Because Plaintiff was not proceeding in forma pauperis, the court placed responsibility for service or obtaining a waiver on Plaintiff.

PROCEDURAL HISTORY

Plaintiff initiated the federal civil action and was ordered to pay filing costs. After she paid those costs, the court determined that the case could proceed, directed separate filing of the complaint, and addressed the next procedural step of service of process.

DISPOSITION

other

CASES CITED

- Syswerda v. Mnuchin, No. 1:20-cv-471, 2020 WL 12746030, at *1 (W.D. Mich. June 5, 2020)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO WESTERN DIVISION (DAYTON) MONICA BETTS,; Case No. 3:25-cv-00122 Plaintiff,; District Judge Thomas M. Rose; Magistrate Judge Caroline H. Gentry vs.: COPELAND (FORMERLY EMERSON), Defendant. ORDER Plaintiff recently paid the filing costs required to proceed with this case (Doc. No. 6), as ordered by the Court.

(Doc. No. 5.) The case shall therefore proceed forward. The Clerk of Court is DIRECTED to file Plaintiff's Complaint separately on the docket. (See Doc. No. 1-1 at PageID 4-23.) The next step in the case is for Plaintiff to serve Defendant with process or obtain a waiver of service. See Fed. R. Civ. P. 4(c)(1) ("A summons must be served with a copy of the complaint.

The plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service."); Fed. R. Civ. P. 4(d) ("Waiving Service"); S.D. Ohio Civ. R. 4.2 (concerning "Service or Waiver of Process").

The Clerk has already issued a summons for Plaintiff to use. (Doc. No. 7.) Plaintiff previously submitted a United States Marshals Service form, perhaps anticipating that a marshal would serve Defendant for her. (See Doc. No. 1-4.)

However, "[t]he Court is not required to order the United States Marshals Service to serve the defendant[] in this action because plaintiff is not proceeding in forma pauperis." Syswerda v. Mnuchin, No. 1:20-cv-471, 2020 WL 12746030, at *1 (W.D. Mich. June 5, 2020) (citing Fed. R. Civ. P. 4(c)(3)).

As Plaintiff is not proceeding in forma pauperis here (see Doc. No. 5), she is responsible for accomplishing service of process (or obtaining a waiver) within the 90-day deadline imposed by Rule 4. See Fed. R. Civ. R. 4(m).1 She should not delay. At this point, the undersigned expects that service on Defendant will be accomplished on or before February 19, 2026.

Plaintiff is REMINDED that she must notify the Court of any changes to her address while this case is pending. She may wish to consult the resources for pro se parties on the Court's website. See <https://www.ohsd.uscourts.gov/pro-se>. IT IS SO ORDERED. s/ Caroline H. Gentry Caroline H. Gentry United States Magistrate Judge 1 "Time Limit for Service. If a defendant is not served within 90 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time.

But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period." Fed. R. Civ. P. 4(m).

